THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.6156 OF 2006

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DATED: 28-03-2006

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BETWEEN

Konduru Shantamma,

W/o. Venkat Subbaiah,

R/o. H.No.1/427-11,

Malavya Nagar,

West Gudur, Gudur,

Nellore District.

...PETITIONER

AND

The Gudur Municipality,

Rep. by its Commissioner,

Gudur, Nellore District.

...RESPONDENT

ORDER:

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Petitioner seeks a Writ of Mandamus to direct the respondents not to interfere with her peaceful possession and enjoyment over the land admeasuring Ac.0.05 cents situated in Sy.No.174, Malavya Nagar, West Gudur, Gudur Mandal, Nellore District as illegal and arbitrary.

Learned counsel for the petitioner submits that the Mandal Revenue Officer, Gudur, Nellore District sanctioned a house site in favour of the petitioner in an extent of Ac.0.05 cents (30 Ankanams) in Sy.No.174 of Malavya Nagar, West Gudur, Gudur Mandal, Nellore District and the assignment was made on 20.07.1995 vide his proceedings in Rc.A/2052/95, having bounded on East: S.K. Masthan Saheb, South: Road, West: Pandeti Varalakshmi and North: Church School. He further submits that the petitioner raised a thatched shed in the said land and living there paying tax to the municipality and she has not violated any conditions of the said assignment. While so, the respondent municipality without any justification whatsoever is interfering with the petitioner's peaceful possession and enjoyment of the said land on the ground that the said land belongs to the respondent.

If there is any dispute with regard to the location or boundaries, it is open for the respondent to issue a notice and take appropriate action in accordance with law. But without issuing any notice, without giving any reasonable opportunity to the petitioner and without following principles of natural justice, the respondent cannot interfere with the peaceful possession and enjoyment of the petitioner over the said land.

Accordingly, the writ petition is disposed of directing the respondent not to interfere with the peaceful possession and enjoyment of the petitioner over the said land in question without following due procedure prescribed in law.

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V. ESWARAIAH, J

March 28, 2006

Note: Furnish C.C. of the order by 30.03.2006

(**B/o**)

DSK